IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 24894 of 2004

Between:

1 B.V.V.S. Sai Kumar S/o B. Subbarayudu
R/o D. No. 101 Revathi Vihar, Seethammadhara,
Visakhapatnam
2 B. Rama Lakshmi D/o B. Subbarayudu
R/o D. No. 101 Revathi Vihar, Seethammadhara,
Visakhapatnam
3 B. Tulasi Devi W/o B. Subbarayudu
R/o D. No. 101 Revathi Vihar, Seethammadhara,

Visakhapatnam
4 B. Subbarayudu S/o Late Veera Swamy
R/o D. No. 101 Revathi Vihar, Seethammadhara,
Visakhapatnam
5 B. Lakshmi Narasamma W/o B.V.VS. Sai Kumar
R/o D. No. 101 Revathi Vihar, Seethammadhara,
Visakhapatnam

... PETITIONERS

AND

1 Siva Ram Kumar Finance Company rep by Managing
Partner, Having Office at D. No. 46-21-4/1,
Mandavaripeta, Dondaparty Visakhapatnam
2 Komara Raja Siva Sai Prasad W/o Jagan Mohan Rao

D. No. 46-21-4/1, Mandavaripeta, Dondaparty
Visakhapatnam
3 Kaja Lakshmi Kumari W/o Jagan Mohan rao
D. No. 46-21-4/1, Mandavaripeta, Dondaparty
Visakhapatnam District
4 Tripirneni Sree Lakshmi W/o T.V.S. Prasad
D. No. 46-21-4/1, Mandavaripeta, Dondaparty
Visakhapatnam
5 Muvva Venkateswara Rao S/o Veeraraghavaiah
r/o Flat No. 3 Ground Floor Anand Apartments Opposite
Party, Abhayaanjaneya Swamy Temple Seethammadhara, Visakhapatnam
6 Pedarla Sivaram Kumar S/o Venkateswara Rao
R/o D. No. 49-58-8, Balajihills Visakhapatnam
7 Karampudi Vijaya Lakshmi W/o Rammohan Rao
R/o D. No. 49-41-3, 2nd Floor NGGO's Colony
Akkayyapalem, Visakhapatnam

..RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order writ more especially one in the nature of Writ of Certiorari calling for records leading up to and inclusive of the order of the State Commission dated 12-10-2004 setting aside the common order of the Andhra Pradesh State Consumer Disputes Commission Redressal at Hyderabad in R.Ps. 90,91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114/2004 as null and void *ab initio* and unsustainable under law and passed without jurisdiction and consequently to quash the same with costs.

Counsel for the Petitioners: MR.P.SRI RAGHU RAM

Counsel for the Respondent Nos.2, 3, 4 and 6: MR.CH.PRATAP.

Counsel for the Respondent No.5: MR. C.S.SURYAPRAKASH RAO

Counsel for the Respondent No.7: MR.RAVI CHEEMALAPATI

The Court made the following:

ORDER: (per Sri B. Sudershan Reddy, J)

This writ petition is directed against the order,
dated 12-10-2004, made in R.P No.90 of 2004 and batch by the A.P State Consumer Disputes Redressal Commission (hereinafter referred to as 'the Commission') at Hyderabad.

The respondents herein, aggrieved by the orders in I.A No. 197 of 2004 and batch in C.D. No. 431 of 2003 and batch on the file of the District Consumer Forum, Visakhapatnam, filed the said revision petitions. The Commission having noted the facts found that now there is a full fledged District Consumer Forum functioning in Visakhapatnam which can as well go into the questions raised by the respondents in their I.A No. 197 of 2004 and batch and accordingly remitted the matter for fresh consideration by the District Consumer Forum. The Commission while remitting the matter for fresh consideration not only passed orders setting aside the orders made in I.A No. 194 of 2004 and batch but also the order made in the main C.Ds. In our considered opinion, that portion of the order passed by the Commission requires modification. The question whether the orders passed in the CDs are required to be set aside or not, is required to be gone into by the District Consumer Forum and the Commission having decided to remit the matter for fresh consideration ought not to have set aside the orders passed by the District Consumer Forum in the main CDs. Such an order would amount to granting complete relief to the respondents resulting in setting aside the orders passed by the District Consumer Forum in the main CDs.

For the aforesaid reasons, the impugned order passed by the Commission is modified and in the result, the District Consumer Forum is directed to dispose of I.A No. 197 of 2004 and batch in C.D No. 431 of 2003 and batch in accordance with law. The District Consumer Forum shall decide the interlocutory applications on merits, which may ultimately decide the fate of the orders passed in the main CDs. It is needless to add that until an appropriate decision is taken, the orders passed in C.D No. 431 of 2003 and batch remains.

The District Consumer Forum shall decide the interlocutory applications I.A Nos. 197 of 2004 and batch filed by the respondents herein uninfluenced by the observations, if any made in this order and as well as the observations if any made by the Commission in its order
dated 12-10-2004.

The Writ Petition is accordingly disposed of.

(B. Sudershan Reddy, J)

21-03-2005

(C.V. Ramulu, J)

ks

To

1. The President, District Consumer Forum, Visakhapatnam.
2. Two C.D. Copies.